GOVERNMENT OF MADRAS.

Dev (1950) Department.

~~Endorsement~~
D.O.
Memorandum
~~Lodged~~

No. 17243 BC/50-2

Dated 12-7 1950.

FURTHER PAPERS.

Department.	Number.	Series.

FOR MYSORE STATE

1243

COOPERATIVE DEPARTMENT

From
Sri J. C. Ryan, M.A.,
Registrar of Cooperative Societies,
Madras.

To
The Secretary to Government,
Development Department,
Fort St. George, MADRAS.

Rc.No.8333-50-S.1 Dt. 1-3-50.

Sir,

Sub: LEGISLATIVE COUNCIL--Question No.3--Audit report--Non-furnishing to Members--Complaint against the Bellary Cooperative Primary Stores.

Ref:- 1.Government Memo No.9825- B.ii/50-1 Development Dt.7-2-50
2.My letters Rc.No.8333/50-S.1 Dated 19-2-50 and 23-2-50.

In myx letters cited above, I submitted a copy of my reply to Sri H. Seshagiri Rao, and a copy of the report of the Co-operative Sub Registrar, Bellary who enquired into the question of deficits in gunnies with Bellary Primary Cooperative Stores in reply to questions (3) (c) and (d) of the legislative Council.

2) I should like to put it to Government that the questions asked by the member of the Legislative Council are not questions relating to the executive administration of Government but questions relating to the internal administration of a Cooperative Society. I do not think a legislator can ask Government questions relating to the administration of a business institution like the Indian Bank or the Swadeshi stores. The Bellary Cooperative Stores is as much a business institution as any of these two institutions. If gunny bags are lost by the stores it is upto the shareholders to take up the matter in their general body and question the Board of Directors. If no satisfaction is given by the Board, it is upto any share holder to sue the Board before the Registrar under section 51 of the Cooperative societies Act. If instead of this, they choose the Legislature as the tribunal where they can obtain remedy they are seeking a wrong tribunal. In this case, the person who has sought the Legislature for the purpose appears to be an employee of the stores who was sent away for misconduct. To spite the stores he has wasted the time of the legislature. If under the existing Rules, questions relating to private institutions which are not a part of the Government cannot be ruled out, I suggest the standing orders of the legislature be suitably amended in this behalf.

J. C. Ryan

REGISTRAR

DEVELOPMENT DE

Pl. issue 24/4/4 KSR 12/4

Memorandum No. 192 43 B II/50-2 dt-12-4

SUB:- L.C. Question- Questions relating to internal administration of Cooperative institutions- Proposal to rule out.

REF:- Letter from the R.C.S. Rc.8333/50-S.1, dated 1-3-50.

in the C.f.

With reference to his letter cited, the R.C.S. is informed that under the existing rules of procedure of the Madras Legislative Assembly and the Council a question may be asked for the purpose of eliciting information on a matter of public conern within the special cognizance of the member of Govt. to whom it is addressed. Questions are admitted only if they satisfy the above principle. Although there may be particular cases where the above principle is not satisfied, and questions may be ruled out as serving no public interest, it cannot be said that questions relating to the internal administration of Cooperative societies are entirely outside the purview of Govt. or are matters with which the public are not concerned. The existing rules cannot therefore be amended with a view to rule out all questions relating to internal administration of Cooperative Societies as suggested by the R.C.S.

notes on p1 n.f. (pamphlet not put up)

Para 1 legislative notes on n3n.f.

B on p 2n.f

'A' on p 2n.f.

The point is not think of meeting the Rules to the

N' at the bottom of P1 C.f.

To the R.C.S

KSR 6.4.50

6/4/50

10.4.50

DEVELOPMENT DEPARTMENT. B.II

Sub:- Legislature- questions relating to internal administration of Cooperative institutions- Admisibility.
Ref:- Letter from the R.C.S. Rc.No.80833-50-S.I. dated 1-3-50

(EXTRACT OF NOTES FROM FILE BEARING C.NO.9825-B.II/50.)

To A.S.

Please see the Registrar's letter on p.(19) c.f.

With reference to para. 2 of his letter, a draft letter to the Secretary to the Madras Legislature is submitted for approval

Please see instructions at 'H' on pp.1-2. of (W)

A.R.
9-3-50.

A | We may first examine the suggestion of the Registrar. I think we have answered such questions before.

S.G.A.
9-3-50.

To A.S.

With reference to orders at 'A' above, it is submitted that the Govt. have, in the past, answered questions relating to the internal administration of Cooperative institutions. Please see the papers at flags (B) & (R). Under the existing rules of procedure of the Madras Legislative Assembly and the Council a question may be asked for the purpose of eliciting information on a matter of public concern within the special cognizance, and the member of Govt. to whom it is addressed. It is the duty of the Cooperative Officers to satisfy themselves and the public that cooperative societies are working on sound lines and in a cooperative spirit and continue to ~~observe~~ deserve the very substantial benefits they recei at the public expense. It will not therefore be proper to rule out questions relating to internal administration of cooperative societies as suggested by the R.C.S. The remarks of Legislature Secretariat may be invited before circulation. (The Regr's letter in the C.f. has been removed from the main file as the main file is required for HH's reference at the time of answering the question)

21/3/50. The whole question seems to turn on the point whether the information asked for is in a matter of public

The question whether the question is
a political one cannot be decided merely
by reference to the political
character of the body deciding the
question but by reference to the nature of
the matters with which the
public are not concerned.
There may be particular cases
where such conditions may
not be satisfied and questions
can be ruled out as having
no public interest. But it does not
appear that the Court has laid down
any general rule
But before admitting any question
under the Legislature Lastly satisfies
itself that the question
the rules

DS Kep. Le

The writ sought for in any
be within the orbit of Rule 29 in
like manner the question may be in
under the Rules
to warrant the refusal of
natural There are sufficient safeguards
in this regard. so there will be sufficient.
Scrutiny before admitting like question.

Secretariat of the Madras Legislature

Please see the notes of the Dev. Dept at pages 1-2 and Questions given notice of by the members of the Legislature (both Assembly and Council) are first examined with reference to the rules framed by the Hon. the Speaker and the Hon. the Chairman, as the case may be, for the admission of questions and are admitted only if they are found to satisfy the conditions laid down in those rules.

de rules 29, 31 & 32 of the Assembly and Council Rules.

2. In the case in point, the Hon. the Chairman has admitted the question as relating to a matter of public concern within the special cognizance of the H.M. Concerned. This Secretariat may agree with the views at N onp 2 ante. With these remarks, the file may be returned to Dev. Dept.

Rule 29 of the Council Rules

A.S.

29.3.50

30.3.50

31/3/50

30/3

28960

850/50 — 23.M.L

31-3-50

Development Dept. W.O.

Dev. Dept.

FIRST ASST. SECRETARY TO GOVERNMENT
31 MAR 1950
DEVELOPMENT DEPARTMENT

Previous notes at pp 1-2 above and the remarks of the Leg. Secty. above may be perused. ~~No further action is called for on this. The papers may be lodged.~~ A draft reply to the Rep. is submitted for approval.

4.50

6/4/50